

AMENDED IN SENATE MARCH 22, 2010

**SENATE BILL**

**No. 1322**

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**Introduced by Senator Liu**

February 19, 2010

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An act to amend Section 18926 of, *and to add Section 18926.5 to*, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, as amended, Liu. Food Stamp Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

Existing law requires the State Department of Social Services, to the extent permitted by federal law, to annually seek a federal waiver of the existing SNAP limitation that stipulates that an able-bodied adult without dependents (ABAWD) participant is limited to three months of food stamps in a 3-year period unless that participant has met the work participation requirement. Under existing law, a county is required to be included in the waiver unless the county declines to participate, as specified.

This bill would require a county to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program, *and would describe the criteria for deferral*. The bill

~~would establish various categories of individuals who are authorize a work registrant who is deferred from mandatory participation in FSET to request to enroll in the program as a voluntary participant.~~

This bill, to the extent permitted by federal law, would require that when an individual is sanctioned for failing to comply with the work requirements of the CalWORKs program, or certain other public social services programs, that the individual would not receive a food stamp sanction.

*This bill would require a county that implements the federal time limits for ABAWDs to receive food stamps to offer self-initiated workfare, as defined by existing federal regulations, in addition to any other methods the county provides. The bill would impose specified requirements on counties with respect to the use of FSET and other federal funds and the implementation of FSET and other workfare programs.*

*This bill would impose various requirements on the department with respect to the funding and implementation of workfare and other training programs, including requiring the department to convene a stakeholder task force to develop a plan to improve and expand the FSET program, in addition to other specified duties. The bill would require the task force to report on its progress to the Legislature, as specified.*

*This bill would authorize the department to retain FSET funds in an amount not to exceed the amount necessary to administer these provisions, and to annually report to the Legislature the annual amount expended for this purpose.*

By increasing the duties of counties administering the Food Stamp Program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature in enacting this*  
2     *act to increase meaningful opportunities for employment and*  
3     *training in the Food Stamp Employment and Training (FSET)*  
4     *program.*

5     ~~SECTION 1.~~

6     SEC. 2. Section 18926 of the Welfare and Institutions Code is  
7     amended to read:

8     18926. (a) To the extent permitted by federal law, the  
9     department shall annually seek a federal waiver of the existing  
10    Food Stamp Program limitation that stipulates that an able-bodied  
11    adult without dependents (ABAWD) participant is limited to three  
12    months of food stamps in a three-year period unless that participant  
13    has met the work participation requirement.

14    (b) All eligible counties shall be included in and bound by this  
15    waiver unless a county declines to participate in the waiver request.  
16    If a county declines, the county shall submit documentation from  
17    the board of supervisors of that county to that effect.

18    (c) The county shall screen work registrants to determine  
19    whether they will participate in, or be deferred from, the Food  
20    Stamp Employment and Training (FSET) program. ~~Persons who~~  
21    ~~are registered for work and are not deferred under FSET are~~  
22    ~~considered mandatory participants.~~

23    ~~(d) The following individuals shall be deferred from mandatory~~  
24    ~~participation in the FSET program until the county determines that~~  
25    ~~the situation precluding FSET participation no longer exists:~~

26    ~~(1) An individual who resides in a federally approved~~  
27    ~~geographically excluded area or federally determined work surplus~~  
28    ~~area.~~

29    ~~(2) An individual who is participating in a substitute program~~  
30    ~~described in Section 63-407.23 of Title 22 of the California Code~~  
31    ~~of Regulations, that has participation requirements that exceed~~  
32    ~~those contained in the FSET program.~~

33    ~~(3) An individual who is unable to participate due to personal~~  
34    ~~circumstances, including, but not limited to, any of the following:~~

35    ~~(A) A lack of dependent care, as defined in subdivision (j) of~~  
36    ~~Section 63-408.41 of Title 22 of the California Code of~~  
37    ~~Regulations. This includes situations in which dependent care costs~~

1 ~~exceed the maximum allowable dependent care deduction per~~  
2 ~~month per dependent.~~

3 ~~(B) A lack of transportation, which is defined as private or public~~  
4 ~~transportation that is not available at reasonable times on a regular~~  
5 ~~basis, or monthly transportation costs plus other costs, excluding~~  
6 ~~dependent care costs, that exceed the amounts determined in~~  
7 ~~Section 63-407.831 of Title 22 of the California Code of~~  
8 ~~Regulations.~~

9 ~~(C) The individual lives an unreasonable distance from the FSET~~  
10 ~~program site.~~

11 ~~(D) The individual has a severe family crisis.~~

12 ~~(E) The individual temporarily has been laid off from his or her~~  
13 ~~job and is expected to return to work within 60 days.~~

14 ~~(F) The individual is involved in legal difficulties, such as~~  
15 ~~court-mandated appearances, that preclude his or her participation.~~

16 ~~(G) The individual has a temporary illness or disability. If~~  
17 ~~deferred, a work registrant may request to enroll in the FSET~~  
18 ~~program as a voluntary participant.~~

19 ~~(d) An individual shall be deferred from mandatory placement~~  
20 ~~in the FSET program if he or she satisfies any of the federally~~  
21 ~~mandated criteria, or if he or she resides in a federally determined~~  
22 ~~work surplus area.~~

23 ~~(e) To the extent permitted by federal law, when an individual~~  
24 ~~is sanctioned for failing to comply with the work requirements of~~  
25 ~~the CalWORKs program, unemployment compensation, substitute~~  
26 ~~programs, general assistance, or CalWORKs unpaid community~~  
27 ~~service and work experience, the individual shall not receive a~~  
28 ~~food stamp sanction.~~

29 ~~(f) Notwithstanding the rulemaking provisions of the~~  
30 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
31 ~~Section 11340) of Part 1 of Division 2 of the Government Code)~~  
32 ~~the department may implement this section by all county letters~~  
33 ~~or similar instructions.~~

34 *SEC. 3. Section 18926.5 is added to the Welfare and Institutions*  
35 *Code, to read:*

36 *18926.5. (a) A county that implements the federal time limits*  
37 *for able-bodied adults without dependents (ABAWD) to receive*  
38 *food stamps shall offer self-initiated workfare, as defined in Section*  
39 *273 of Title 7 of the Code of Federal Regulations, as a means to*

1 *satisfy the federally mandated work requirement for ABAWDs, in*  
2 *addition to any other methods the county provides.*

3 *(b) A county that participates in the Food Stamp Employment*  
4 *and Training (FSET) program shall be required to demonstrate*  
5 *that it is prioritizing the use of FSET funds for self-initiated*  
6 *workfare, work experience or training, education, and the support*  
7 *services or client reimbursements needed to participate in these*  
8 *components, as allowed by federal law and guidance.*

9 *(c) The department shall assign staff to assist counties in the*  
10 *development of vocational, educational, and job training programs*  
11 *allowed under federal guidance for the Supplemental Nutrition*  
12 *Assistance Program (SNAP), and to assist in the identification of*  
13 *private, third-party, in-kind, state, and other funds that are able*  
14 *to be used to draw down federal funding.*

15 *(d) The department shall assign staff to coordinate with other*  
16 *workfare programs in the state that are serving the state*  
17 *population, including CalWORKs, the California Community*  
18 *College Chancellor's Office Extended Opportunity Programs and*  
19 *Services, and the federal Workforce Investment Act of 1998.*

20 *(e) (1) The department shall convene a stakeholder task force*  
21 *to develop a plan to improve and expand FSET educational*  
22 *components and, as allowed by federal administrators, to expand*  
23 *the Cal Success Program beyond the original pilot counties.*

24 *(2) The task force shall report on its progress to the Legislature*  
25 *on or before January 15, 2011.*

26 *(f) The department may retain FSET funds in an amount not to*  
27 *exceed the amount necessary to administer this section. The*  
28 *department shall annually report to the Legislature the amount*  
29 *expended on administration.*

30 *(g) (1) The requirement for submitting a report imposed under*  
31 *subdivision (e) is inoperative on January 1, 2015, pursuant to*  
32 *Section 10231.5 of the Government Code.*

33 *(2) A report to be submitted pursuant to subdivision (e) shall*  
34 *be submitted in compliance with Section 9795 of the Government*  
35 *Code.*

36 ~~SEC. 2.~~

37 *SEC. 4. If the Commission on State Mandates determines that*  
38 *this act contains costs mandated by the state, reimbursement to*  
39 *local agencies and school districts for those costs shall be made*

1 pursuant to Part 7 (commencing with Section 17500) of Division  
 2 4 of Title 2 of the Government Code.

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5 **CORRECTIONS:**

6 **Text—Page 4.**

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